

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **People of MI v Gregory Jon Wood**

Docket No. **279662**

L.C. No. **05-001162-FH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The motion to waive fees is GRANTED for this case only.

The delayed application for leave to appeal filed on August 2, 2007, is DISMISSED for lack of jurisdiction because it was not filed within 12 months of the November 2005 judgment of sentence as required by MCR 7.205(F)(3) and neither exception found in MCR 7.205(F)(4) applies. Even though appellant asserts he is appealing an order denying a motion for relief from judgment, that is not actually the case. First, a motion for relief from judgment could not be filed in July of 2006 because defendant still had an appeal available from the November 2005, judgment of sentence. See MCR 6.501 and MCR 7.205(F)(3). Second, defendant's application is written as if this is a direct appeal and not an appeal of an order denying a motion for relief from judgment. Defendant never mentions how he would be entitled to relief under MCR 6.508(D).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 14 2007

Date

*Sandra Schultz Mengel*  
Chief Clerk